

Local Government Employee-Management Relations Board E-Newsletter

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February 2014

Members of the Board

Philip E. Larson, Chairman

Sandra Masters, Vice-Chairman

Brent C. Eckersley, Esq., Board Member

Staff

Bruce K. Snyder, Commissioner

Yvonne V. Martinez, Board Secretary

On the Horizon

The next meeting of the Board will be held February 11th through 13th. The agenda for this meeting will be on our website, www.emrb.state.nv.us, on Monday, February 3rd.

The following meeting of the Board is scheduled for March 11th through 13th. We anticipate that the agenda for this meeting will be on our website on Monday, March 3rd. Any stipulations or other documents for this meeting need to be filed with the EMRB by Friday, February 28th in order to appear on that agenda.

Also, on Tuesday, March 11th at 8:00 a.m. the Board will conduct a hearing on proposed regulations for the agency. You have the right to either appear at the hearing or submit written comments prior to the hearing. These regulations were the subject of a recent workshop held on January 22nd. The official notices for these regulations will be available on our website as well as the Legislature's website.

In the Queue...

Once initial pleadings, including pre-hearing statements, have been filed with the EMRB and after any motions to dismiss or defer have been decided, then a case typically goes into the a queue, waiting for the Board to decide whether to grant a hearing in the case or dismiss the complaint. Below is a description of the current queue:

The hearing for the February meeting is A1-046000, [Pamela Vos v. City of Las Vegas and Las Vegas Peace Officers Association.](#)

The following two consolidated cases are scheduled for hearing at the March meeting:

A1-046067, [IAFF, Local 1607 v. City of North Las Vegas](#)

A1-046069, [North Las Vegas Police Officers Assn. v. City of North Las Vegas](#)

Inside This Issue

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In the Queue... (cont.)

The following cases are waiting for the Board to deliberate and decide on the status of the case, including, but not limited to, dismissal of the case or the granting of a hearing on the complaint. Please note that the order listed below is not necessarily the order in which the cases will be heard.

In Las Vegas:

A1-046066, Teddi Biggs v. City of Las Vegas

A1-046091, Jarod Barto et al v. City of Las Vegas

A1-046095, Nye County Management Employees Assn. v. Nye County

A1-046097, Thomas Knickmeyer v. Clark County Deputy Marshals Assn.

A1-046106, Michael Turner v. Clark County School District

In the Reno area:

A1-046098, Washoe County Principals Assn. v. Washoe County School District

A1-046105, Douglas County Support Staff Assn. v. Douglas County School District

It is anticipated that the Board, at its February meeting, will decide the schedule for a number of the above cases. It is also anticipated that the Board will meet in March through May in Las Vegas and then schedule one or more meetings in northern Nevada during the summer.



*New and Improved EMRB
website coming soon...*

Under Construction

The agency has identified a number of goals for the coming year. Three of these goals have to do with providing better transparency to the local governments, employee organizations and employees that we serve. The three goals are to: (1) issue a monthly e-newsletter; (2) create a new website; and (3) update our index of decisions and make it more accessible. With respect to goal #2, our agency has been identified as one that will receive a new website this year. We have developed a tentative site map, which was shared with attendees at a recent open forum. We are now in the process of working with the group that will develop the new framework for our site. We also heard at the open forum that users would like for us to not only get the decisions up-to-date but that they would like the text to be searchable. We are looking into providing this feature.

Recent Decisions

*Please note that these summaries are provided for informational purposes only and are not intended to substitute for the opinions of the Board. These summaries should not be cited to or regarded as legal authority. The EMRB will provide copies of the decisions upon request.

The Board issued two notable decisions at its January meeting:

UMC Physicians' Bargaining Unit of NSEU, SEIU Local 1107 v. NSEU, SEIU, Local 1107, UMC et al., A1-045812

This matter was heard on remand from the Nevada Supreme Court, which had held that only local governments, employee organizations and employees have standing before the EMRB. The Board held that the complainant was not any of these, but rather was only a bargaining unit. It therefore did not have the right to file a complaint with the agency.

Clark County Deputy Marshals Association v. Clark County, A1-046058

In this case the Board determined that Clark County Deputy Marshals were not local government employees and therefore were not entitled to collective bargaining rights under NRS 288. In its decision, the Board reaffirmed its prior holding that courts are not local government employers and thus employees who work for the courts are not local government employees.

The Board also rejected a request to adopt what is known as the Washington model, which would have permitted at least some limited degree of collective bargaining over those items within the control of the County. The Board concluded that it is bound by the act and therefore could not divide the list of mandatory subjects of bargaining into those which could be bargained and those which could not. Instead, the Board opined that the proper remedy would be a change to the act itself. The Board also stated that adopting the Washington model would tend to infringe upon the inherent rights and powers of the courts as expressed in both a prior EMRB decision as well as a recent Nevada Supreme Court opinion involving the City of Sparks and its courts.

Practice Tips

Our regulations require that any party submitting a document relative to an open case must file an original plus 4 additional copies with the agency. Any copies that you would like file-stamped and returned to you would be in addition to this number.

If you or someone from your staff files the documents in person, we will return your file-stamped copies to you at that time. We are a two-person staff, therefore, it is always a good idea to call 486-4504 prior to visiting our office.

If you mail the documents please include a self-addressed stamped return envelope. If you let us know, we will only return the one page that is file-stamped in order to save you postage.

At a recent open forum we heard loud and clear that those who practice before the agency would like to e-file documents. We are now investigating the best method of doing so, which would eliminate the need to submit five copies, either in person or via mail. We will keep you posted in future editions of this newsletter on our progress on this endeavor!

"About the EMRB"

The EMRB, a Division of the Department of Business and Industry, is the Nevada state agency involved in the process of collective bargaining and labor relations for local government employers, local government employees and employee associations or unions. Created by Nevada Revised Statute 288, the agency provides resolution of unfair labor practices; resolution of issues related to mandatory bargaining subjects; resolution of disputes related to recognition and determinations regarding appropriate bargaining units. In summary, the law governs concerted activities on the part of local government as it relates to the collective bargaining process. The goal of the EMRB is to foster the collective bargaining process, to provide support to those involved in said process, and to settle disputes as they arise in a neutral and timely manner.